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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,721	01/07/2004	Bruce Michael Decker	SAA-0100	1720
23569 7590 11/16/2007 SCHNEIDER ELECTRIC / SQUARE D COMPANY LEGAL DEPT. - I.P. GROUP 1415 S. ROSELLE ROAD PALATINE, IL 60067			EXAMINER LIN, WEN TAI	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/707,721

Applicant(s)

DECKER, BRUCE MICHAEL

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/04, 6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1- 8 are presented for examination.
2. Applicant is reminded to update the statues of applications mentioned in the specification. Specifically, applications 09/611648 and 09/477113 have been issued as patents, but are not updated with their issued patents.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show English legends as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP 608.02(d). Specifically, Figure 1 fails to show English legends. Further, for consistency it is recommended that the figure labels appearing on the drawing sheets and in the specification be the same. For example, Figures 2-4 are labeled as Figs. 2-4 on the drawing sheets respectively.
4. The specification is objected to because of the following issues:
  - (i) The hyperlinks on page 2 of the specification are objected to because hyperlinks and/or other forms of browser executable code cannot be incorporated by reference. See MPEP § 608.01.

(ii) The phrase "included by reference" on pages 2 and 8 cannot be interpreted as "incorporated by reference" because the root words "incorporate(e)" and "reference" (e.g., "incorporate by reference") must be used to show the intent (see 37 CFR 1.57).

5. Claims 1-8 are objected to because (i) the phrase "capable of" in claim 1 is not a limitation and does not constitute any patentable sense; and (ii) it appears that the whereby clauses merely state the results of the limitations in the claims and add nothing to the patentability or substance of the claims. To avoid such interpretation it is recommended to change the word "whereby" to "wherein".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliot[U.S. Pat. No. 6985499].

8. As to claim 1, Elliot teaches the invention as claimed including: a communications network between automation devices [e.g., 42, 44, Fig.1; 64, 66, Fig.2] consisting:

an automation device capable of communicating using a TCP and an IP messaging technique, whereby the messaging technique consists of sending a message to reserved TCP/IP system port , and whereby said applications layer message includes a cyclic redundancy check field [e.g., col. 18, lines 12-40; col. 1, lines 15-29; col. 4, lines 15-18; col. 8, lines 35-37].

9. As to claim 2, Elliot further teaches that the cyclic redundancy check field is calculated using a CRC-32 algorithm [col. 10, lines 55-63].

10. As to claim 3, Elliot further teaches that the applications layer message further includes a time stamp representing the time that the message was sent [e.g., Abstract].

11. As to claims 5-7, since the features of these claims can also be found in claims 1-3, they are rejected for the same reasons set forth in the rejection of claims 1-3 above.

***Claim Rejections - 35 USC § 103***

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12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot [U.S. Pat. No. 6985499], as applied to claims 1-3 and 5-7 above, further in view of Mills [RFC 2030].

14. Mills was incorporated by reference in the specification.

15. As to claims 4 and 8, Elliot does not specifically teach that the applications layer message further includes a time stamp qualifier.

However, in the similar field of endeavor Mills teaches a format in network time protocol (NTP) for qualifying high precision time by adopting additional field to adjust/warn the accumulated drifting of the clock [e.g., page 2, paragraph 5 – page 9, paragraph 3].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Elliot and Mills by adding a time stamp qualifier in Elliot's NTP timing packet because the additional field facilitates the objective of maintaining high precision in timing references [col.1, lines 15-29 and 56-67].

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16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pullen et al. [U.S. PGPub 20040213278];

Salas et al. [U.S. Pat. No. 5862391]; and

Whitehead et al. [U.S. Pat. No. 6901299].

17. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

### ***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969.

The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

November 9, 2007

Wen-Tai Lin  
11/9/07